

FISCAL NOTE

SB 1476 - HB 1196

March 2, 2001

SUMMARY OF BILL: Specifies that the current provision providing that no claim may be brought against an employee of a governmental entity for damages for which the immunity of the governmental entity is removed does not apply to physicians. Under current law, this protection does not apply to medical malpractice cases brought against a health care practitioner. Specifies that the current provision providing that no claim may be brought in excess of the tort liability limits against an employee of a governmental entity for an act of the employee within the scope of their employment for which the governmental entity is immune unless the act was willful, malicious, criminal or performed for personal financial gain does not apply to physicians. Current law specifies that claims for medical malpractice committed by a health care practitioner are not subject to these limits.

ESTIMATED FISCAL IMPACT:

Local Govt. Expenditures - Cost Avoidance - Exceeds \$100,000

The October, 2000 state Supreme Court decision in *Mooney v. Sneed* affirmed the lower court's decision that EMT's and EMT-P's were health care practitioners and were not protected by immunity provisions of the Tennessee Governmental Tort Liability Act. Under the provisions of the bill, the reference to health care practitioners is removed and physician is specified. This estimate assumes in the absence of the bill, local governments would have to purchase malpractice insurance for EMT's and EMT-P's that they employ. The cost of such insurance is estimated to be significant.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James A. Davenport". The signature is written in a cursive style with a large, stylized initial 'J'.

James A. Davenport, Executive Director